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8 CALLIE MAIDHOF, et al.,
9 Plaintiffs,
10 v.
11 MITCHELL CELAYA, et al.,
12 Defendants.

13 Case No. 3:11-cv-04971-LB
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**ORDER GRANTING SUMMARY
JUDGMENT AND DISMISSING
CLAIMS AGAINST MITCHELL
CELAYA**

Re: ECF Nos. 72 & 85

17 The plaintiffs filed this putative class action on behalf of 66 arrested students alleging Fourth
18 Amendment violations during a student protest at the University of California, Berkeley on
19 December 11, 2009. (First Am. Compl., ECF No. 14 at 2-3, 14.¹) The court granted in part and
20 denied in part the defendants' motion for summary judgment, leaving only a First Amendment
21 retaliation claim against University of California Police Department Chief Mitchell Celaya.
22 (Order, ECF No. 72 at 17.) Chief Celaya filed an interlocutory appeal to the United States Court of
23 Appeals for the Ninth Circuit, on the ground of qualified immunity. (Notice of Appeal, ECF No.
24 73 at 1-2.)

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28 ¹ Citations are to the Electronic Case File ("ECF"); pin cites are to the ECF-generated page
numbers at the tops of the documents.
ORDER (No. 3:11-cv-04971-LB)

1 The Ninth Circuit reversed this court’s denial of summary judgment as to Chief Celaya and
2 remanded with instructions to dismiss the claims against him. *Maidhof v. Celaya*, No. 13-16800,
3 slip op. at 9 (9th Cir. Feb. 25, 2016). The mandate issued on April 27, 2016. (See ECF No. 93.)
4 The court therefore vacates its previous order, grants Chief Celaya’s motion for summary
5 judgment on the ground of qualified immunity, and dismisses the claims against him with
6 prejudice.

IT IS SO ORDERED.

Dated: April 28, 2016


LAUREL BEELER
United States Magistrate Judge

United States District Court
Northern District of California